

UNITED STATES DISTRICT COURT

District Of Massachusetts

C.A. #2004-~~11026~~-RWZ,  
FILED  
CLERKS OFFICE

MR. JASON A. MORRIS

Petitioner

2005 FEB -2 P 3:21

U.S. DISTRICT COURT  
DISTRICT OF MASS

-vs-

MS. CAROL MICI

Respondent

PETITIONER'S REQUEST FOR CERTIFICATE OF APPEALABILITY

Now comes the Petitioner, Mr. Jason A. Morris who is Pro-Se and would respectfully request that this Honorable Court allow the following arguments and/or issues to be heard accordingly;

- 1.) DOUBLE JEOPARDY, ALLIED OFFENSE, CONVICTED OF TWO INDICTMENTS FOR THE SAME MOTOR VEHICLE, DIFFERENT SENTENCES WERE GIVING.
- 2.) TRIAL JUDGE'S FAILURE TO INSTRUCT THE JURY REGARDING THE DOUBLE JEOPARDY AND/OR ALLIED OFFENSE ARGUMENT.
- 3.) INSUFFICIENT EVIDENCE, RECEIVING A STOLEN MOTOR VEHICLE.
- 4.) MISAPPROPRIATION OF FEDERAL CASE AUTHORITIES, CONTRARY TO CONSTITUTIONAL LAW, UNREASONABLE APPLICATION TO FACTS AND LAWS OF THE UNITED STATES CONSTITUTION.
- 5.) STATES COURT'S FAILURE TO ADDRESS ANY OF THE PETITIONER'S ISSUES OR SUPPORT THE COMMONWEALTH'S FINDING OF LAW OR FACTS CONSTITUTING THOSE LAWS, NO NECESSARY FINDINGS OF LAW IN GENERAL.

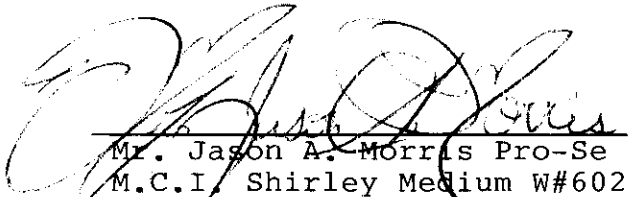
- 6.) DUE-PROCESS VIOLATION, THE OPPOSITION FILED BY THIS PETITIONER WAS OVERLOOKED BY THE DISTRICT COURT OF MASSACHUSETTS, WHETHER THE STATUTE, [NOTE OF DECISION] 5.) LESSER INCLUDED OFFENSE, SEE, EXHIBIT TWO, EXHIBIT, 84, ALSO SEE, M.G.L.s C. 266 §28 page 86, THIS LANGUAGE IS MISLEADING AND LEGITIMATELY WRONG AND ANY UNSOPHISTICATED LITIGANT COULD MISINTERPRET SAID LANGUAGE, THE DISTRICT COURT IGNORED THIS ARGUMENT AND SAID PETITIONER MUST HAVE THE OPPORTUNITY TO BE HEARD ON THIS ISSUE.
- 7.) FAILURE TO APPOINT COUNSEL OR TO GRANT AN EVIDENTIARY HEARING WAS AN ABUSE OF DISCRETION.
- 8.) DISTRICT COURT'S ABUSE OF DISCRETION REGARDING ITS BURDEN OF APPLYING THE STATUTE OF LIMITATIONS UNDER 28 U.S.C. §2244(d)(1)(A) TO SAID PETITIONER WITHOUT ADDRESSING HIS COUNTER-ATTACK.
- 9.) WHETHER FIRST APPELLATE COUNSEL WAS INEFFECTIVE FOR NOT RAISING THESE CLAIMS ON THIS PETITIONER'S DIRECT APPEAL, DID THE DISTRICT COURT ABUSE ITS DISCRETION HERE AS WELL.
- 10.) DID THESE CLAIMS CREATE A SUBSTANTIAL RISK OF A MISCARRIAGE OF JUSTICE.

In accordance with FRAP, with the First Circuit, Rule #22.1 this Petitioner would ask this Honorable Court to Certify these issues because this Petitioner is innocent and has a Constitutional right to Appeal his erroneous conviction.

Respectfully Submitted,

Dated: January 31, 2005,

CC: Filed.  
Susanne Reardon  
U.S. District Court

  
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